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TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
LOWM110

In Re Application Of: COOK

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/782,712	02/18/04		21,658	3634	5586

Title: ERGONOMIC DUTY BELT

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(b)
OATH SIGNED BY AUTHORIZED AGENT
RETURN RECEIPT POST CARD

in the above identified application.

- No additional fee is required.
- A check in the amount of _____ is attached.
- The Director is hereby authorized to charge and credit Deposit Account No. _____ as described below.
 - Charge the amount of _____.
 - Credit any overpayment.
 - Charge any additional fee required.
- Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Robert L. Shafer
Signature

Dated: 10/12/04

ROBERT L. SHAVER
DYKAS, SHAVER & NIPPER, LLP
PO BOX 877
BOISE, ID 83701
208-345-1122
REG. NO. 42,145

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on 10/12/04

(Date)

Shannon M. Wilson
Signature of Person Mailing Correspondence

SHANNON M. WILSON

Typed or Printed Name of Person Mailing Correspondence

cc: CLIENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Clifton Cook

Serial No.: 10/782,712

Filed: 02/18/04

Group Art Unit: 3634

Subject: ERGONOMIC DUTY BELT

Confirmation No.: 5586

Attorney Docket No.: LOWM110

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(B)

Mailed: September 17, 2004

To: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attn.: E. Shirene Willis

Dear Commissioner:

In response to the Office of Petitions' Decision Refusing Status Under 37 CFR 1.47(b),
please enter the following remarks of record:

REMARKS

Reconsideration and allowance of the petition is respectfully requested.

1. The above-identified application was filed on February 18, 2004 without an Oath or Declaration.
2. A Petition was mailed on July 14, 2004, including the Petition Fee and a Declaration by Robert L. Shaver outlining the reasons why a Declaration was not filed in this instant application.
3. The Office of Petitions stated that in order for a petition to be granted, the following is required:
 - a. Proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration;
 - b. An acceptable oath or declaration;
 - c. The petition fee;
 - d. A statement of the last known address of the non-signing inventor;
 - e. Proof of proprietary interest; and
 - f. Proof of irreparable damage.
4. The Office of Petitions noted that the Petition mailed on July 14, 2004 did not contain b or d as indicated above.
5. The enclosed Declaration is executed by the undersigned attorney on behalf of the company to which the invention was assigned, Tactical Design Labs, Inc. (See copy of assignment submitted with original Petition on July 14, 2004.) Robert L. Shaver is authorized to

sign on behalf of the corporation in accordance with MPEP 409.03(b).

6. The last known address of the inventor, Clifton Cook, is shown on the enclosed Declaration. In addition, the last known address of Clifton Cook is 4789 Riverine Place Boise, Idaho 83714.

CONCLUSION

For all the reasons given above, petitioner respectfully submits that the deficiencies in the petition are corrected. Accordingly, petitioner submits that the Petition mailed on July 14, 2004 is now in full condition for allowance, which action petitioner respectfully solicits. If the Office of Petitions feels it would advance the petition to allowance, they are invited to telephone the undersigned at the number given below.

DATED this 12th day of October 2004.

Very respectfully,

Robert L. Shaver
ROBERT L. SHAVER
Reg. No. 42,145
(208) 345-1122



Serial # 10/782,712
Filing # 02/18/2004
Attorney Docket No. LOWM110

CERTIFICATE OF MAILING

I HEREBY CERTIFY that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attn.: E. Shirene Willis

DATE: 10/12/04

Shannon M. Wilson

Docket No.
LOWM110

Declaration For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

ERGONOMIC DUTY BELT

the specification of which

(check one)

is attached hereto.

was filed on 02/18/2004 as United States Application No. or PCT International

Application Number 10/782,712

and was amended on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior applications and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

60/448,563	02/18/03
(Application Serial No.)	(Filing Date)
(Application Serial No.)	(Filing Date)
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, CFR Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)	
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)	
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor CLIFTON COOK	
Sole or first inventor's signature	Date
Residence 4789 RIVERINE PLACE BOISE, IDAHO 83714	
Citizenship UNITED STATES	
Post Office Address 4789 RIVERINE PLACE BOISE, IDAHO 83714	
REFUSES TO SIGN	

Full name of second inventor, if any ROBERT L. SHAVER, REGISTERED PATENT ATTORNEY	
Second inventor's signature <i>Robert L. Shaver 10-12-04</i>	Date
Residence PO BOX 877 BOISE, IDAHO 83701	
Citizenship UNITED STATES	
Post Office Address PO BOX 877 BOISE, IDAHO 83701	
SIGNS WITH AUTHORITY ON BEHALF OF ASSIGNEE TACTICAL DESIGN LABS, INC.	

Full name of third inventor, if any	
Third inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of fourth inventor, if any	
Fourth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	